

Message Text

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ACTION OES-07

INFO OCT-01 AF-10 EUR-12 ISO-00 SOE-02 AID-05 CEA-01
CIAE-00 COME-00 DODE-00 EB-08 H-01 INR-10 INT-05
L-03 NSAE-00 NSC-05 OMB-01 PM-05 ICA-11 SP-02
SS-15 STR-07 TRSE-00 ACDA-12 IO-13 NRC-05 /141 W
-----051499 252014Z /53

R 251850Z APR 78
FM AMEMBASSY VIENNA
TO SECSTATE WASHDC 6128
INFO AMEMBASSY LAGOS
USDOEHQ WASHDC
USDOEHQ GERMANTOWN

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USIAEA

DEPT PASS IO/SCT
DOE PASS AMMONS, IA

E.O. 11652: N/A
TAGS: IAEA, TECH, PARM, MNUC, NI
SUBJECT: STATUS NIGERIAN SAFEGUARDS AGREEMENT

REF: (A) LAGOS 4887, (B) STATE 93306

1. IAEA "NEGOTIATIONS" WITH NIGERIA ON ITS NPT SAFEGUARDS AGREEMENT GO BACK TO 1971, WHEN NIGERIANS FIRST CONTACTED AGENCY TO SEEK CLARIFICATION ON CERTAIN PROVISIONS OF AGENCY DOCUMENT INFCIRC/153 (THE STRUCTURE AND CONTENT OF AGREEMENTS BETWEEN THE AGENCY AND STATES REQUIRED IN CONNECTION WITH THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS), PARTICULARLY WITH REFERENCE TO A COUNTRY HAVING NO RPT NO NUCLEAR MATERIALS REQUIRED TO BE SAFEGUARDED. THIS QUERY WAS FOLLOWED UP IN SEPTEMBER OF THAT

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YEAR WITH A VISIT TO IAEA BY NIGERIAN REPS.

2. IAEA RESPONDED, INTER ALIA, BY POINTING OUT THAT A SPECIAL PROTOCOL HAD BEEN PREPARED FOR STATES CONCLUDING NPT SAFEGUARDS AGREEMENTS WITH IAEA BUT WHICH HAD NO RPT NO NUCLEAR MATERIALS REQUIRED TO BE SAFEGUARDED. SAMPLE TEXTS OF AGREEMENT AND PROTOCOL WERE PROVIDED TO NIGERIANS.

3. IN 1972, IAEA SENT CIRCULAR LETTER TO VARIOUS MEMBER STATES, INCLUDING NIGERIA, PROVIDING STATUS REPORT ON NEGOTIATIONS OF NPT SAFEGUARDS AGREEMENTS WITH NPT PARTIES REQUIRING SUCH AGREEMENTS. IN SEPTEMBER OF THAT YEAR, THE DIRECTOR GENERAL SENT ANOTHER CIRCULAR LETTER TO VARIOUS MEMBER STATES INFORMING THEM THAT A SPECIAL OFFICE WOULD BE SET UP DURING THE GENERAL CONFERENCE LATER THAT MONTH FOR STATES DESIRING TO PURSUE NEGOTIATIONS OR DISCUSS NPT SAFEGUARDS AGREEMENTS.

4. IN MAY 1973, IAEA SENT A PRINTED NPT SAFEGUARDS AGREEMENT AND PROTOCOL TO NIGERIA. NO RPT NO RESPONSE WAS EVER RECEIVED.

5. IN AUGUST 1973, THE DIRECTOR GENERAL SENT A CIRCULAR LETTER INFORMING VARIOUS MEMBER STATES THAT A SPECIAL NPT SAFEGUARDS AGREEMENT OFFICE WOULD AGAIN BE SET UP AT THE GENERAL CONFERENCE HELD IN MEXICO THAT YEAR.

6. IN DECEMBER 1974, ASSISTANT DIRECTOR GENERAL FISCHER WROTE A LETTER WELCOMING FIRST NIGERIAN CHARGE D'AFFAIRES IN VIENNA AND USED OCCASION TO REMIND HIM OF NIGERIA'S NPT SAFEGUARDS AGREEMENT OBLIGATION AND OFFERED TO ASSIST IN ANY WAY TO RESOLVE THIS MATTER.

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7. PRIOR TO 1975 NPT REVIEW CONFERENCE IN GENEVA, DIRECTOR GENERAL SENT CIRCULAR LETTER TO VARIOUS MEMBER STATES WHICH WERE DELINQUENT IN MEETING THEIR OBLIGATION TO CONCLUDE NPT SAFEGUARDS AGREEMENTS AND NOTED DESIRABILITY OF CONCLUDING SUCH AGREEMENTS BEFORE REVIEW CONFERENCE.

8. IN SEPTEMBER 1976, DIRECTOR GENERAL SENT LETTER TO NIGERIANS NOTING THAT HE WAS READY TO NEGOTIATE NPT SAFEGUARDS AGREEMENT WITH NIGERIAN DELEGATION ATTENDING GENERAL CONFERENCE HELD LATER THAT MONTH IN RIO DE JANEIRO.

9. IN JUNE 1977, NIGERIAN REP VISITED ASSISTANT DIRECTOR GENERAL FISCHER AT AGENCY AND REQUESTED NEW DRAFT AGREEMENT WITHOUT PROTOCOL, SINCE NIGERIA ANTICIPATED HAVING NUCLEAR MATERIALS REQUIRED TO BE SAFEGUARDED. THIS WAS SENT TO NIGERIANS IN JULY. AGENCY HAS HEARD NOTHING FURTHER FROM NIGERIANS ON THE MATTER.

10. COMMENT: FOREGOING CHAIN OF EVENTS IS NOT RPT NOT ATYPICAL FOR COUNTRIES IN SAME POSITION AS NIGERIA ON

THIS MATTER. IT IS NOT RPT NOT POSSIBLE TO PROVIDE A
PROGNOSIS ON THE OUTCOME, SINCE THIS DEPENDS SOLELY ON
NIGERIA'S WILLINGNESS TO ELEVATE THE MATTER TO A HIGHER
PRIORITY DESERVING OF MORE SERIOUS ATTENTION.

11. INCIDENTALLY, WE HAVE NOTED AT LEAST TWO RECENT
MESSAGES IN WHICH THE PROPOSED AGREEMENT FOR PEACEFUL
NUCLEAR COOPERATION HAS BEEN REFERRED TO AS A "U.S.

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EB-08 H-01 INR-10 INT-05 NSAE-00 NSC-05 OMB-01
PM-05 ICA-11 SP-02 STR-07 TRSE-00 IO-13 NRC-05
/141 W

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SAFEGUARDS AGREEMENT." WE BELIVE THIS CHARACTERIZATION
COULD GENERATE UNNECESSARY CONFUSION AND ACCORDINGLY, WE
URGE ADHERENCE TO A STANDARD NOMENCLATURE. DEPT MAY
WISH TO DRAW ATTENTION TO THIS IN FUTURE MESSAGES RELATING
TO AGREEMENTS FOR COOPERATION. END COMMENT. KIRK

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Message Attributes

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